## CITY COUNCIL, CITY OF LODI CITY HALL COUNCIL CHAMBERS

## November 18, 1981

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m., Wednesday, November 18, 1981 in the City Hall Council Chambers.

ROLL CALL

Present:

Councilmen - Hughes, Katnich,

Murphy, Pinkerton and McCarty (Mayor)

Absent:

Councilmen - None

Also Present:

City Manager Glaves, Assistant City Manager Glenn, Community Development Director/Deputy City Clerk Schroeder, City Attorney Stein, Assistant Planner Morimoto, and Public Works

Director Ronsko.

INVOCATION

The invocation was given by Pastor Sammy P. Walls, Pentecostal Church of God, Woodbridge.

PLEDGE

The Pledge of Allegiance was led by Mayor McCarty

PUBLIC HEARINGS

02-13

Notice thereof having been published and posted in accordance with law and affidavit of publication and posting being on file in the office of the City Clerk, Mayor McCarty called for the Public Hearing to consider the Turner Road and Cluff Avenue Assessment District.

Mr. Timothy J. Hachman, Attorney-at-law, Blewett, Garretson and Hachman, 141 E. Acacia Street, Stockton, California addressed the Council outlining the procedure as set forth by law.

There were no other persons in the audience wishing to speak on the matter and the public portion of the hearing was closed.

Following Council discussion with questions being directed to Staff and to Mr. Hachman, Council on motion of Councilman Pinierton, Katnich second, adopted the following resolutions by unanimous vote:

TURNER ROAD AND CLUFF AVENUE ASSESSMENT DISTRICT NO. 1 TURNER ROAD AND CLUFF AVENUE ASSESSMENT DISTRICT NO. 1

Res. No. 81-153 Resolution Overruling Protests on Resolution No. 81-39

RES. NO. 81-153-81-157 CC - 10 (N)

00-300

Res. No. 81-154 Resolution ordering changes and modifications in assessments, in Boundaries of Assessment District, and directing Amendment to Engineer's Report and Assessment diagram.

Res. No. 81-155 A resolution determining convenience and necessity, adopting Engineer's Report, as amended, confirming assessment, and Ordering the Work and Improvements.

Res. No. 81-156 Resolution Awarding of Contract.

Res. No. 81-157 A resolution Awarding Sale of Bonds.

22. 62(3)

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor McCarty called for the Public Hearing to consider the City Planning Commission's recommended approval of the General Plan-Land Use Element Amendment No. GPA-LU-81-3 which consists of two sections:

Section 1. The request of Vernon Ekstrom, et al to redesignate the .62 acre parcel at 1435 Academy Street from Low Density Residential to Commarcial; and to certify the filing of a Negative Declaration (ND-81-25).

Section 2. The request of Moss and Craig on behalf of Aladdin Real Estate to redesignate the 2.30 acreparcel at 1420 West Kettleman Lane from Office-Institutional to Commercial; and to certify the filing of a Negative Declaration.

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, that the Public Hearings to consider the following items would also be conducted at this time:

- 1. Consider the City Planning Commission's recommended approval of the request of Vernon Ekstrom, et al to rezone the .62 acre parcel at 1435 Academy Street from R-2, Single-Family Residential to C-M, Commerical-Light Industrial and
- 2. To consider the City Planning Commission's recommended approval of the request of Moss and Craig on behalf of Ahddin Real Estate to amend P-D 15, Planned Development No. 15, to permit the 2.30 acre parcel at 1420 West Kettleman Lane to conform to the C-S, Commercial Shopping District, rather than the R-C-P, Residential-Commercial-Professional District.

Assistant Planner Morimoto presented transparencies which illustrated zoning, land use and the General Plan for the above Ekstrom request. He also presented the Planning Commissions recommendations.

Mr. Glen Baumbach, c/o Baumbach and Piazza, consulting Engineers, 323 West Elm Street, Lodi, was present and outlined the basis for the Ekstrom request.

As there was no one else to be heard on this matter and no correspondence had been received, Mayor McCarty declared the public portion of the hearing closed.

On motion of Councilman Katnich, Murphy second, Council certified the filing of a Negative Declaration as adequate Environmental Documentation for the above request of Vernon Ekstron, et. al.

On motion of Councilman Pinkerton, Katnich second, Council introduced section I of Ordinance 1244 which redesignates the .62 acre parcel at 1435 Academy Street from Low Density Residential to Commercial on the Land Use Element of the General

GENERAL PLAN AMENDMENTS ORDINANCE NO. 1244 INTRODUCED

7500)

REZUNE .62 ACRE PARCEL AT 1435 ACADEMY FROM R-2 TO C-M ORDINANCE NO. 1245 INTRODUCED

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On motion of Councilman Murphy, Hughes second, Council introduced Ordinance 1245 which amends the Official District Map by rezoning the .62 acre parcel at 1435 Academy Street from R-2, Single-Family Residential to C-M, Commercial-Light Industrial.

Assistant Planner Morimoto presented transparencies which illustrated zoning land use and general plan for above requests on Moss and Craig on behalf of Aladdin Real Estate.

Mr. Wayne Craig, c/o Moss and Craig, Commercial Real Estate, 222 West Lockeford Street, Lodi, was present and outlined the basis for the Aladdin Real Estate request.

As there was no one else wishing to be heard on this matter and no correspondence had been received, Mayor McCarty declared the public portion of the hearing closed.

On motion of Councilman Murphy, Katnich second, Council certified the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above requests of Moss and Craig on behalf of Aladdin Real Estate.

On motion of Councilman Murphy, Pinkerton second, Council introduced Section II of Ordinance 1244 which redesignates the 2.30 acre parcel at 1420 West Kettleman Lane from Office Institutional to Commercial on the Land Use Element of the General Plan.

On motion of Councilman Katnich, Murphy second, Council introduced Ordinance 1246 which amends the Official District Map by amending P-D (15, Planned Development District No. 15 so that the 2.30 acre parcel at 1420 West Kettleman Lane shall conform to the C-S, Commercial Shopping District.

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor McCarty called for the Public Hearing to consider the appeal of Dr. Dennis R. Swanson of the Lodi City Planning Commission's denial of his request to amend the Land Use Element of the General Plan by redesignating the parcel at 1001 Windsor Drive, Lodi from Low Density Residential to Office Institutional.

Assistant Planner Morimoto introduced the matter and presented transparencies which illustrated the surrounding zoning, land use and general plan designations.

The following persons were present and spoke in favor of the appeal:

1. Dr. Jack L. Gilliland, 900 South Fairmont Avenue, Lodi. He stated that the General Plan Amendment and ultimate rezoning were being sought so the subject parcel could be used for off-street parking for an existing professional office building at 916-924 South Fairmont Avenue which was proposed for remodeling. He gave the history of professional office development in the area of Memorial Hospital.

REDESIGNATE 2.30 ACRE
PARCEL AT 1420 W.
KETTLEMAN LANE FROM
OFFICE-INSTITUTIONAL TO
COMMERCIAL ORDINANCE
#1246

APPEAL OF DR. DENNIS R. SWANSON AMEND LAND USE ELEMENT AT 1001 WINDSOR DRIVE

2253(6)

The following correspondence was received in opposition to the appeal:

- 1. A letter from Mr. Del Caywood, 921 Windsor Dr., Lodi
- 2. A petition signed by 18 residents of the 800 and 900 blocks of Windsor Drive.

The following persons were present and spoke in opposition to the appeal:

- 1. Mr. Reid Cerney, 900 West Vine Street, Lodi. He stated that the people of the area were opposed to further office and parking encroachment into the residential area and presented a petition containing 48 signatures supporting his statement.
- 2. Mr. Lloyd Brcsnikoff, 901 Windsor Drive, Lodi.
- 3. Mr. Harold L. Roberts, 831 Windsor Drive, Lodi.

As there was no one else wishing to be heard on this matter and no additional correspondence to be read, Mayor McCarty declared the public portion of the hearing closed.

On motion of Councilman Hughes, Murphy second, Council certified the filing of a Negative Declaration as adequate environmental documentation for the above appeal of Dr. Dennis R. Swanson.

After discussion on motion of Councilman Hughes, Murphy second, Council, by a 4 ro 1 vote with Councilman Katnich noting "no", approved the appeal of Dr. Dennis R. Swanson and introduced Ordinance No. 1246 which amends the Land Use Element of the General Plan by redesignating the parcel at 1001 Windsor Drive, Lodi from Low Density Residential to Office-Institutional.

Mayor McCarty declared a five minute recess at 9:10 p.m. and the council reconvened at 9:15 p.m.

The following report of the November 9, 1981 Planning Commission meeting was presented.

- 1. Tabled the request of Lawrence St. Germain and Robert Herrington for a Use Permit for an electronic games center (i.e. video entertainment center) at 108-c Turner Road in the Arbor Shopping Center in an area zoned P-D (17), Planned Development District No. 17, because Barry Spivak, owner of the Shopping center, was opposed to the request.
- 2. Denied the request of Rex Martin for a Use Permit for an electronic games center (i.e. pinball and video arcade) at 20 North School Street in an area zoned C-2, General Commercial.
- 3. Conditionally approved the request of Charles Taormina for a Use Permit to use a bus as a permanent sandwich shop at 223 North Church Street in an area zoned C-2, General Commercial.

RECESS

PLANNING COMMISSION

ITEMS OF INTEREST

@.35(C)

- 4. Conditionally approved the request of Luis Arismendi on behalf of Grupe Communities for a Tentative Subdivision Map for Pheasant Ridge, a 5.245 acre, 49-unit condominium project proposed for Lot 57, Lakeshore Village, Unit #1 (i.e. northwest corner of South Mills Avenue and Sandcreek Drive) in an area zoned P-D(21), Planned Development District No. 21.
- 5. Conditionally approved the request of Luis Arismendi on behalf of Grupe Communities for a Use Permit for Pheasant Ridge, a 5.245 acre 49 unit condominium project proposed for Lot 57, Lakeshore Village, Unit #1, in an area zoned P-D (21), Planned Development District No. 21.
- 6. Conditionally approved the request of Wayne Craig on behalf of M C & P Investments for a Tentative Subdivision Map for an industrial/Commercial condominium project at 1901 South Stockton Street (i.e. Lot 1, Maxwell Industrial Park) in an area zoned M-2, Heavy Industrial.
- 7. Recommended that the San Joaquin County Board of Zoning Adjustment approve the request of Wayne Craig on behalf of Jungle Growth Products for a Use Permit to allow plant food manufacturing in the existing Happy Holmes Farm buildings on the west side of Lower Sacramento Road, 2800 feet north of Harney Lane in an area zoned GA-40, General Agricultural.
- 8. Reaffirmed its action of September 14, 1981 and recommended that the San Joaquin County Board of Zoning Adjustment deny the request of John Taylor Fertilizers for a Use Permit to establish a fertilizer distribution plant at the west end of Winery Road, 2300 feet west of the State Route 99 frontage road in an area zoned GA-40, General Agricultural.

COMMUNICATIONS

REQUEST FOR STOP SIGN INSTALLATIONS

Dep uty City Clerk Schroeder presented a letter which had been received from Mr. Tom Dutra requesting that Council look into having stop signes put in on Brandywine-Fairmont and Brandywine-Reisling Drive. Following Council discussion, on motion of Councilman Katnich, Murphy second, Council referred the matter to Staff for investigation and recommendation.

CLAIMS 22 - 4 (C) On recommendation of R. L. Kautz and Company and the City Attorney, Council on motion of Councilman Pinkerton, Murphy second, denied the claim presented by Michael Villarin and referred same back to R. L. Kautz and Company.

ABC LICENSE

Mr. Schroeder presented to Council an application for Alcoholic Beverage License which had been received from Olga J. Moore, Sandwich Maker, 104 N. School Street, Lodi - On sale Beer and Wine Eating Place and an application for Alcoholic Beverage License which had been received for Charles L. Keagle, et al, Cask'n Cleaver, 1230 W. Kettleman Lane, Lodi, On-Sale General Eating Place.

Mr. Schroeder presented a letter which had been received from Richard Sanborn, Sanborn Chevrolet, 1210 S. Cherokee Lane, regarding Council's decision to accept a bid for Dial-A-Ride vehicles from a dealer

00.00(6)

UNMET TRANSIT.
NEEDS HEARING
SET

Following introduction of the matter, Council, on motion of Councilman Katnich, Murphy second, set the following Public Hearings regarding unmet Transit needs within the City of Lodi.

a) 3:00 p.m. December 16, 1981 - Hale Park Recreation Center.

b) 8:00 p.m. December 16, 1981 - Council Chambers

COMMENTS BY CITY COUNCIL-MEN

Council had no remarks under "Comments by City Councilmen".

REPORTS OF THE CITY MANAGER

In accordance with report and recommendation of the City Manager, the following actions, hereby set forth between asterisks, on motion of Councilman Pinkerton, Murphy second, were approved by the Council.

CONSENT CALENDAR

CLAIMS 02-21(9)

CLAIMS WERE APPROVED IN THE AMOUNT OF \$1,682,407

MINUTES

THE MINUTES OF OCTOBER 7, 1981 AND OCTOBER 21, 1981 WERE APPROVED AS MAILED.

City Manager Glaves apprised the Council that the only bid which had been received for a Utility Department Stake and Platform Truck was as follows:

BIDDER

AMOUNT

Geweke Ford

\$12,466.76

AWARD - BID FOR UTILITY DEPT. STAKE AND PLATFORM TRUCK Following recommendation of the City Manager, Council adopted the following resolution:

RESOLUTION NO. 81-163

RESOLUTION NO. 81-163

0 - 300

RESOLUTION AWARDING THE BID FOR THE STAKE AND PLATFORM TRUCK TO GEWEKE FORD IN THE AMOUNT OF \$12,466.76

Council was apprised that the City's records— indicate there is a wedge-shaped strip of land lying between the original north line of the Ayers and Pitchers addition and the south line of 60-foot wide Daisy Avenue. From what can be determined, it appears this strip was originally part of Daisy Avenue. Since all curbs, gutters, sidewalks and other public utilities are located within the 60-foot portion of Daisy Avenue, there is no reason to retain the strip of land lying to the south and it is therefore Staff's recommendation that the area be vacated.

OF DAISY AVENUE

RES. OF INTENTION

TO VACATE PORTION

RES. NO. 81-158

10.52(1) cc-300

On recommendation of Staff, Council adopted Resolution No. 81-158

RESOLUTION OF INTENTION TO ABANDON PORTION OF DAISY AVENUE, REFERRING THE MATTER TO THE PLANNING COMMISSION AND SETTING THE MATTER FOR PUBLIC HEARING ON DECEMBER 16, 1981.

Council was apprised that the City of Lodi applied to the PUC for permission to build a portion of Lodi Avenue across an existing spur track serving Wickes Forest Industries. The spur track is owned by Robert L. Griffin and operated by Central California Traction Company.

AGREEMENT RE SPUR CROSSING OF E. LODI AVENUE APPROVED

> 00 - 500 00 - 500

See to 81-159

The PUC has granted authority to the City of Lodi to build the street. The commission has also ordered the City of Lodi to provide an agreement between the parties involved, stating that the above mentioned crossing shall be reconstructed, operated and maintained according to the general orders references in their decision #93083.

The Agreement specifices that Mr. Griffin, owner of the spur track, will assume all responsibility for maintenance of said spur track.

COUNCIL APPROVED AGREEMENT FOR OPERATIONS AND MAINTENANCE AGREEMENT FOR SPUR TRACK CROSSING #61B-0.65-C AT WICKES FOREST INDUSTRIES AND AUTHORIZED THE CITY MANAGER AND CITY CLERK TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.

LOT LINE ADJUST-MENT LOTS 2:55 AND 2:56 VINE YARD NO. 3 Following introduction of the matter by Staff, Council adopted the following resolution:

RES. NO. 81-160 02-539 00-300 RESOLUTION NO. 81-160

RESOLUTION APPROVING LOT LINE ADJUSTMENT BETWEEN LOTS 255 and 256 VINEYARD SUBDIVISION, UNIT #3, (I.E. 453 and 459 CEDAR COURT).

AUDITED FINANCIAL
STATEMENT FOR
CITY OF LODI
FOR 1980-81
RECEIVED FOR
FILING

COUNCIL RECEIVED FOR FILING THE AUDITED FINANCIAL STATEMENT FOR THE CITY OF LODI 1980-81.

RES. ENDORSING
CLIC EFFORTS TO
MEET WITH SP RE
ADDITION PARKING
IN DOWNTOWN AREA

RES. NO. 81-161

PROPOSED WOOCK REORGANIZATION INCLUDING ANNEXATION AND DETACHMENT CC-8(A) Mr. Walter Sanborn, Chairman of the CLIC Committee addressed the Council requesting a resolution endorsing efforts of the Central Lodi Improvement Committee to meet with representatives of the Southern Pacific Transportation Committe regarding additional parking in the downtown area.

Following discussion, Council on motion of Councilman Katnich, Murphy second, adopted Resolution No. 81-161 endorsing the efforts of the Central Lodi Improvement Committee to meet with representatives of the Southern Pacific Transportation Company to explore the availability of Southern Pacific Transportation Company Property within the downtown area of the City of Lodi that might be used for parking purposes.

Mr. C. M. Sullivan, Attorney at Law, Illl West Tokay Street, Lodi, was present and asked the City Council to withdraw its request that the Local Agency Formation Commission (LAFCO) reconsider the proposed Woock Reorganization, a proposed 210.7 acre annexation proposed for Southwest Lodi. He gave a brief history of the proposed annexation and described its relationship to

by the Lodi Electorate on August 25, 1981. Mr. Sullivan felt the initiative ordinance should be interpreted by the Court and that a return to LAFCO would be premature.

Mr. Robert Mullen, Attorney at Law, Illl West Tokay Street was present and stated that neither the City Council nor staff could interpret Measure "A" and he felt it was to everyones best interest to find out if the initiative was constitutional.

City Attorney Stein outlined the various alternatives available to the City Council.

After lengthy discussion it was moved by Councilman Hughes, Katnich second, that Council direct the Deputy City Clerk to correspond with the Local Agency Formation Commission and withdraw the Citys request for the reconsideration of the Woock Reorganization.

Mr. Sullivan then asked the Council to determine if it had the power to prezone the Woock Reorganization without a vote of the people on the General Plan Amendment.

On motion of Councilman Hughes, Murphy second, Council determined that it would be inappropriate to submit the Woock Reorganization to the people for a General Plan Amendment Election and therefore the Council could not prezone the area.

Council was apprised that the City of Lodi has received a petition from 33 residents of the 300 block of South Sunset Drive, asking for the parking restriction. The petition represents 69% of the total properties along the street.

There are 3 conditions that may contribute to the traffic hazard stated in the petition:

- 1. There is an existing no parking zone on the south side of Lodi Avenue between Ham Lane and Sunset Drive. Drivers of vehicles traveling east on Lodi Avenue and preparing to turn right on Sunset Drive must be positioned in the curb lane immediately north of the South curb line. The natural tendency of most drivers making the turn is to parallel the curb line and, upon completion of the turn, the vehicle would normally be positioned only 5 or 6 feet from the west curb line of Sunset Drive. A vehicle parked along the west curb line could protrude as much as 8 feet into the street area, and the driver making the turn would have to veer to the left to avoid it;
- 2. There is a six-foot high block wall located at the sidewalk line which extends from the west property line of 1200. West Lodi Avenue to the center of the curb return at Sunset Drive (at this point the wall reduces in height to 4 feet). This wall blocks the vision of a driver on Lodi Avenue from seeing a parked vehicle on Sunset Drive until the driver is well into the right turn:
- 3. The curb-to-curb width of Sunset Drive is 36 feet; two 8-foot parking lanes and two 10-foot travel lanes. If a vehicle is parked at the curb, and another traveling north on Sunset Drive approaching the stop sign, a driver turning right has little room to negotiate the turn.

REQUEST FOR "NO
--- PARKING" AREA ON
SOUTH SUNSET
DRIVE

12-8 (a)

Even though elimination of this amount of parking will mean the resident at 1200 West Lodi Avenue will have no curb parking adjacent to the residence, it is recommended that the no parking zone be adopted.

Mr. Manual Rocha, 324 S. Sunset Drive, Lodi spoke on behalf of the proponents of the petition.

REQUEST FOR
"NO PARKING"
AREA ON SOUTH
SUNSET DRIVE

Following a lengthy discussion, with questions being directed to Staff and to those who had given testimony, Council on motion of Councilman Katnich, Hughes second, directed the Public Works Director to correspond with Mr. William Stemler, 1200 West Lodi Avenue, Lodi, requesting that he refrain from parking his boat on the west side of Sunset Drive between his driveway and Lodi Avenue.

02-45(9)

Council was apprised that at the November 4, 1981 meeting, the City Council was notified that the Federal Highway Administration has approved the environmental report on the Stockton Street project. Since that meeting, the document has been printed and submitted to the State Clearinghouse to start the public review period. To conform to FHWA and CEQA (State) requirements, a public hearing must be held. At the hearing, the Council will receive input on the project and determine if the environmental document is adequate. Per Federal requirements, a decision on the project must be deferred until a subsequent meeting and a transcript of the hearing must be prepared.

On motion of Councilman Katnich, Murphy second, Council set the Public Hearing on the Stockton Street Improvement Project to January 6, 1982.

Following review of a report prepared by City Clerk Alice Reimche and Sharon Blaufus, Administrative Assistant, Public Works and Council discussion, Council authorized the lease/purchase of the following IBM Word Processing Equipment for both the Administrative Offices and Community Development/Public Works Offices on motion of Councilman Hughes, Katnich second.

COUNCIL AUTHOR-IZES LEASE PURCHASE OF WORD PROCESS-ING EQUIPMENT Screen 365.00
96 Character Keyboard 320.00
Dual 2-d Diskette Unit 3,300.00
40 Character per second printer 3,875.00

224,000 Character Memory

Printer Cable

22-27(a)

Sheet Feeder 2,000.00

\$ 14,100.00

30.00

\$4,210.00

Text Pack 3 \$25.00 per month to rent or 1 time charge - \$725.00

Further, Council in this action, increased Revenue sharing appropriations for this Word Processing equipment from \$20,000 to \$31,500.00

ACCESS FOR THE RAILROAD NORTH OF TURNER

30. 27 A)

Council was apprised that historically Southern Pacific Company has maintained their tracks by an access from Turner Road through a parcel of land that the City of Lodi purchased many years ago. With the construction of Mokelumne Village Subdivision, the City has agreed to quit claim the parcel which has been used for access by the City and Southern Pacific Company. It now becomes necessary to provide the Southern Pacific Company with an alternate access. Following discussion on the matter, Council, on motion of Councilman Pinkerton, Murphy second, voted not to grant to the Southern Pacific Company an access easement through the Scenic Overlook area.

AMENDATORY
AGREEMENT TO
U. S. DEPT. OF
ENERGY,
BONNEVILLE POWER
ADMINISTRATION
PRE-REGIONAL
ACT POWERS
SALES CONTRACT
APPROVED

Following introduction of the matter by City Manager Glaves, Council on motion of Mayor Pro Tempore Murphy. Highes second, adopted Res. No. 81-162, unanimously approving an amendatory agreement to the United States Department of Energy, Bonneville Power Administration, Pre-Regional Act Powers Sales Contract(s) and authorized the City Manager and City Clerk to execute the agreement on behalf of the Council.

RES. NO. 81-162

ORDINANCES

ORD. PROHIBITING
VEHICLES EXCEEDING FIVE TONS TO
USE MURRA Y ST.

ORD. NO. 1243 ADOPTED

> 12 - 3(2) 149 - 149

Ordinance No. 1243 - An Ordinance prohibiting the use of Murray Street by any commercial vehicles or by any vehicles exceeding a maximum gross weight limit of five tons having been introduced at a regular meeting of the Council held November 4, 1981, was brought up for passage after reading by title. On motion of Mayor Pro Tempore Murphy, Hughes second, the Ordinance was then adopted and ordered to print by the following vote:

Ayes:

Councilmen - Hughes, Murphy,

Pinkerton, Katnich,

and McCarty

Noes:

Councilmen - None

Absent:

Councilmen - None

ADJOURNMENT

There being no further business to come before the Council, Mayor McCarty adjourned the meeting at approximately 12:15 P.m., to 8:00 p.m., December 9, 1981.

Attest.

JAMES B. SCHROEDER
Deputy City Clerk